

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LAWRENCE HOLLIN, Derivatively on
Behalf of Nominal Defendant INSPIRE
MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

TIMOTHY P. HERBERT, SHELLEY G.
BROADER, CYNTHIA B. BURKS, GARY
L. ELLIS, GEORGIA GARINOIS-
MELENIKIOTOU, SHAWN T.
MCCORMICK, DANA G. MEAD, JR.,
CASEY M. TANSEY, JERRY C. GRIFFIN,
MARILYN CARLSON NELSON,
CHARISSE Y. SPARKS, and RICHARD J.
BUCHHOLZ,

Defendants,

and

INSPIRE MEDICAL SYSTEMS, INC.

Nominal Defendant.

Case No. 0:24-cv-02716-NEB-DJF

Judge Nancy E. Brasel
Magistrate Judge Dulce J. Foster

MOTION AND [PROPOSED] ORDER FOR VOLUNTARY DISMISSAL

Plaintiff Lawrence Hollin (“Plaintiff”), by and through his undersigned counsel, hereby requests voluntary dismissal of the above-captioned shareholder derivative (the “Action”) brought on behalf of the Nominal Defendant Inspire Medical Systems, Inc. (“Inspire Medical” or the “Company”) against Defendants Timothy P. Herbert, Shelley G. Broader, Cynthia B. Burks, Gary L. Ellis, Georgia Garinois-Melenikiotou, Shawn T. McCormick, Dana G. Mead, Jr., Casey M. Tansey, Jerry C. Griffin, Marilyn Carlson Nelson, Charisse Y. Sparks, and Richard J. Buchholz

(collectively, with Nominal Defendant Inspire Medical, “Defendants”), pursuant to Rules 23.1 and 41(a)(2) of the Federal Rules of Civil Procedure.

Defendants have served neither an answer nor a motion for summary judgment in the Action, and neither Plaintiff nor his counsel have received or been promised any consideration in exchange for the dismissal. Plaintiff has instead elected to seek inspection of certain books and records of Inspire Medical in his capacity as a shareholder of the Company, pursuant to 8 *Del. C.* § 220.

Plaintiff respectfully submits that notice to the Inspire Medical shareholders pursuant to Fed. R. Civ. P. 23.1(c) is not necessary because the end of the relevant period for purposes of statutes of limitation was in November 2023, and thus the relevant statutes of limitation are not likely to run before such time as Plaintiff can make a demand under 8 *Del. C.* § 220, determine whether to pursue derivative claims on behalf of Inspire Medical, or determine that there is no basis to pursue such claims. In addition, no dispositive motions have been filed in this matter. Inspire Medical shareholders therefore will not be prejudiced by the action’s dismissal. *See, e.g., CE-1709 Midland Trail Shelbyville KY, LLC v. Redstone, LLC*, 2022 WL 22839794, at *3 (S.D. Fla. Nov. 18, 2022) (holding that Rule 23.1(c)’s notice requirement is excused in such circumstances; collecting cases).

Accordingly, Plaintiff respectfully requests that: (i) the Action be voluntarily dismissed without prejudice pursuant to Rules 23.1(c) and 41(a)(2) of the Fed. R. Civ. P.; and (ii) that Plaintiff be relieved of the notice requirement under Fed. R. Civ. P. 23.1(c).

Plaintiff has conferred with counsel for Defendants who do not oppose voluntary dismissal. (Because no request for inspection under Del. Code § 220 has yet been issued, Defendants reserve all rights under that statute.)

Dated: September 5, 2024

Respectfully submitted,

/s/ Adam Altman

Adam Altman

Of Counsel:

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Attorneys for Plaintiff

SO ORDERED this ____ day of _____, 2024.

HON. _____
UNITED STATES DISTRICT JUDGE